

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DEMCHAK PARTNERS LIMITED
PARTNERSHIP; JAMES P. BURGER, JR. and
BARBARA H. BURGER; WILLIAM A.
BURKE, II and CLARA BURKE; WILLIAM
A. BURKE, III; EDWARD J. BURKE;
DONALD G. FULLER and KAREN M.
FULLER; RANDY K. HEMERLY; LAMAR R.
KING; LINDA J. SCHLICK; AND JANET C.
YOUNG, on Behalf of Themselves and All
Others Similarly Situated,

Plaintiffs,

and

RUSSELL E. BURKETT and GAYLE
BURKETT,

Plaintiffs-Intervenors,

v.

CHESAPEAKE APPALACHIA, L.L.C.,

Defendant.

Case No. 3:13-cv-2289

JOINT STATUS REPORT

Pursuant to the Court's July 11, 2016 Order and the March 22, 2017 Order (collectively, the "Orders"), *see* ECF Nos. 161 & 173, Class Counsel and counsel for Defendant Chesapeake Appalachia, L.L.C. ("Chesapeake") hereby provide this joint status report:

1. The parties incorporate the report they provided to the Court during the December 20, 2017, status conference. *See* ECF Nos. 185, 186.

2. The parties are actively addressing specific issues related to a potential resolution of the claims in this litigation, and will keep the Court apprised of any material developments.

3. Counsel for all parties in the matter captioned *Commonwealth of Pennsylvania v. Chesapeake Energy Corp.*, No. 2015IR0069 (Pa. Ct. Com. Pl., Bradford Cty.), including the Commonwealth, attended settlement conferences with Senior Judge Brown on February 21, 2018, May 10, 2018, August 10, 2018, and September 18, 2018.

4. On November 14, 2018 in an en banc sitting, the Commonwealth Court heard oral argument in the appeal captioned *Chesapeake Energy Corp. v. Commonwealth of Pennsylvania*, No. 60 C.D. 2018 from the December 14, 2017 decision of the Court of Common Pleas of Bradford County denying the Chesapeake Defendants' Preliminary Objections to the Second Amended Complaint.

5. On March 15, 2019, the Commonwealth Court affirmed in part and reversed in part the December 14, 2017 decision of the Court of Common Pleas of Bradford County denying the Chesapeake Defendants' Preliminary Objections to the Second Amended Complaint. On October 30, 2019, the Pennsylvania Supreme

Court granted the Chesapeake Defendants' Petition for Allowance of Appeal. The issues to be addressed by the Pennsylvania Supreme Court are:

Are claims by the Commonwealth, brought on behalf of private landowners against natural gas extractors alleging that the extractors used deceptive, misleading, and unfair tactics in securing natural gas leases from landowners, cognizable under the Unfair Trade Practices and Consumer Protection Law?

May the Commonwealth pursue antitrust remedies under the Unfair Trade Practices and Consumer Protection Law?

On January 9, 2020, Chesapeake filed its opening brief with the Pennsylvania Supreme Court. The Commonwealth's brief is due on March 3, 2020.

Dated: February 28, 2020

Respectfully submitted,

By: /s/ Michelle R. O'Brien (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties who have appeared in this action via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel T. Donovan

Daniel T. Donovan

Counsel for Defendant